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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STEWART, THEOPLIS E

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,428

Applicant(s)

SATTERFIELD ET AL.

Examiner

Theoplis E Stewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-11, 13, 15-19, 21-27, and 29-32, rejected under 35 U.S.C. 102(e) as being anticipated by Brenner et al (U.S. Patent 6099409)

1-1. *Regarding claim 1;*

Brenner discloses a method for interactive wagering with an interactive wagering application implemented using user equipment, comprising:

- allowing a user at the user equipment to use the interactive wagering application to select desired wagering criteria; (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")
- using the interactive wagering application to determine whether a desired wagering opportunity exists by determining whether the wagering criteria are satisfied; (Column 25, lines 14-24, "Another category of racing information that may be viewed is handicapping information. To view handicapping information, the user selects "handicapping". Making the selection "handicapping" moves the user FIG. 33, at which the user chooses between viewing handicapping data and creating a personal power rating. If the user selects "view handicapping data," various handicapping data screens

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are displayed, showing, for example, snapshot power ratings, speed/class ratings, pace ratings, and jockey/trainer information)

- using the interactive wagering application to automatically take a particular action whenever the wagering criteria are satisfied. (Column 26, lines 52-54, "the currently selected race is automatically updated to reflect the next currently scheduled race to be run at the currently selected racetrack.")

1-2. *Regarding claim 2;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select which particular action is taken whenever the wagering criteria are satisfied. (Column 24, lines 46-59 "the user's account balance is shown (as obtained, e.g., from the wagering data management facility. Also displayed is a menu of fund transfer amounts. The user selects the desired amount of funds to transfer from bank facility to his account at wagering data management facility by highlighting menu option, transfer funds. Following this selection, a confirmatory message, such as "bank transfer" is displayed. Account balance is updated to reflect the new balance, once the transfer is complete. If the menu option "information" is selected, the user is given the opportunity to select from the menu options "racing information," "other," and "menu choice".")

1-3. *Regarding claim 3;*

Brenner further discloses:

- using the interactive wagering application implemented on the user television equipment to determine whether the wagering criteria are satisfied. (Column 1, lines 13-15 "receiving racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.")

1-4. *Regarding claim 4;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular racetrack as one of the wagering criteria. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.") Whereas the user has the option to select a racetrack.

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1-5. *Regarding claim 5;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular horse as one of the wagering criteria. (*Column 1, lines 16-17*, "Wagering on sporting events such as horse, dog, and harness racing is a popular leisure activity.") Wherein the user is able to select horse.

1-6. *Regarding claim 6;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular horse as one of the wagering criteria by searching for a desired horse with an on-screen user interface that allows the user to enter a search character string with a remote control. (*Column 2, lines 55-58*, "It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal provides a user with menu options allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

1-7. *Regarding claim 7;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular jockey as one of the wagering criteria. (*Column 14, lines 60-63*, "A further display of handicapping data is available if the user selects "jockey/trainer"). If jockey/trainer is selected, control passes at which screen is displayed. Screen contains handicapping information about the jockeys and trainers for each runner.")

1-8. *Regarding claim 8;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular trainer as one of the wagering criteria. (*Column 14, lines 60-63*, "A further display of handicapping data is available if the user selects "jockey/trainer". If jockey/trainer is selected, control passes at which screen is displayed. Screen contains handicapping information about the jockeys and trainers for each runner.")

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1-9. *Regarding claim 9;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular track surface as one of the wagering criteria. (Column 14, lines 48-51, "Also in screen are runner name, speed rating, speed rating for this distance and track surface, highest speed rating for this distance and track surface, class rating, and class rating of last race.")

1-10. *Regarding claim 10;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular race distance as one of the wagering criteria. (Column 14, lines 30-34, "At the top of power ratings screen is a banner including information such as race number (e.g., race 1), race distance/surface)

1-11. *Regarding claim 11;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular racing statistic as one of the wagering criteria. (Column 13, lines 17-21, "the user is presented with a menu listing which odds and statistics are available")

1-13. *Regarding claim 13;*

Brenner further discloses:

- using the interactive wagering application to provide the user with an opportunity to select a particular amount by which the odds for a horse change from that horse's morning line odds as one of the wagering criteria. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

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1-14. *Regarding claim 15;*

Brenner further discloses:

- providing the user with an opportunity to select a wager amount and wager type associated with the wagering criteria prior to the automatic placing of the wager. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

1-15. *Regarding claim 16;*

Brenner further discloses:

- providing the user with an opportunity to select a different wager amount and wager type for each of the multiple sets of wagering criteria. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

1-16. *Regarding claim 17;*

Brenner further discloses:

- providing different user interfaces with the wagering application for selecting different types of wagering criteria. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

1-17. *Regarding claim 18;*

Brenner further discloses:

- providing the user with an opportunity to select whether the action taken involves notification of the user. (Column 2, lines 43-46, "It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal receives racing data within the bandwidth of a television channel.")

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1-18. *Regarding claim 19;*

Brenner further discloses:

- notifying the user by displaying a partial-screen overlay message on top of a screen currently being displayed on the television. (Column 2, lines 43-46, "It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal receives racing data within the bandwidth of a television channel.")

1-19. *Regarding claim 21;*

Brenner further discloses:

- notifying the user that the wagering criteria have been satisfied using a wireless message. (Column 7, lines 35-38, "Preferably, the user interacts with user terminal using an infrared or other suitable type of wireless remote control.")

1-20. *Regarding claim 22;*

Brenner further discloses:

- notifying the user that the wagering criteria have been satisfied by displaying a message on the television. (Column 1, lines 13-15 "receiving racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.")

1-21. *Regarding claim 23;*

Brenner further discloses:

- using the wagering application to provide a display screen containing a summary of which types of wagering criteria have been established. (Column 3, lines 15-18, "It is also an object of the invention to provide interactive wagering systems and related processes for off-track wagering in which a user terminal displays race results in the form of prerecorded race videos supplied to a user on demand.")

1-22. *Regarding claim 24;*

Brenner further discloses:

- summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a

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morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

1-23. *Regarding claim 25;*

Brenner further discloses:

- summary includes information on wager amounts and wager types that the user has established for use whenever various sets of wagering criteria are satisfied; (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")
- displaying wagering criteria details for a given one of the sets of wagering criteria when the user selects that set from the summary. (Column 2, lines 47-53, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

1-26. *Regarding claim 26;*

Brenner further discloses:

- using the wagering application to limit automatic wagering based on monetary wagering limits. (Column 4, lines 38-46, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

1-27. *Regarding claim 27;*

Brenner further discloses:

- providing the user with an opportunity to select a desired monetary wagering limit; (Column 4, lines 38-45, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account.")

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- using the wagering application to limit automatic wagering based on the monetary wagering limit. (*Column 4, lines 38-46*, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

1-28. *Regarding claim 29 and 31;*

Brenner discloses a method for interactive wagering on horse races with an interactive wagering application implemented using a set-top box connected to a television, comprising:

- providing a user with an opportunity to select a given horse using the interactive wagering application; (*Column 1, lines 16-17*, "Wagering on sporting events such as horse, dog, and harness racing is a popular leisure activity.") Whereas the user is allowed to select horse.
- automatically placing a wager for the given horse when it is determined that the given horse is to run in a particular race. (*Column 4, lines 38-46*, "When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user's wagering account. The wagering data management system adjusts the user's account based on the user's wagers. Typically, the user's account is debited when a wager is placed. If, following a race, a user's wager is successful, the wagering data management system credits the user's account accordingly.")

1-29. *Regarding claim 30;*

Brenner further discloses:

- providing the user with an opportunity to select the amount of the wager and the wager type with the interactive wagering application. (*Column 2, lines 47-53*, "allowing selection of a racetrack, a set of races within a racetrack (e.g., a morning or afternoon "performance"), a race, a wager type, wager amount, and runners.")

1-30. *Regarding claim 32;*

Brenner further discloses an interactive wagering system in which an interactive wagering application is used to provide a user with an opportunity to place wagers on races to be run, comprising:

- user television equipment configured to: provide the user with an opportunity to select a given horse using the interactive wagering application; (*Column 1, lines 13-15* "receiving

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racing videos and racing information via a medium other than conventional telephone lines and for displaying this information on a television monitor.”)

- automatically place a wager for the given horse when it is determined that the given horse is to run in a particular race; (Column 4, lines 38-46, “When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user’s wagering account. The wagering data management system adjusts the user’s account based on the user’s wagers. Typically, the user’s account is debited when a wager is placed. If, following a race, a user’s wager is successful, the wagering data management system credits the user’s account accordingly.”)
- a transaction processing and subscription management system that handles the automatically placed wager. (Column 4, lines 38-46, “When a user has entered all of the data necessary to place a wager, the corresponding wager data are transmitted to a wagering data management system that preferably includes a totalisator for maintaining the user’s wagering account. The wagering data management system adjusts the user’s account based on the user’s wagers. Typically, the user’s account is debited when a wager is placed. If, following a race, a user’s wager is successful, the wagering data management system credits the user’s account accordingly.”)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner U.S. Patent (U.S. Patent 6099409).

2-1 *Regarding claim 12;*

Brenner does not explicitly disclose:

- using the interactive wagering application to provide the user with an opportunity to select a particular silk color as one of the wagering criteria.

It would have been an obvious manner of design choice to modify the teachings of Brenner et al to provide a step using the interactive wagering application to provide the user with an opportunity to select a particular silk color as one of the wagering criteria.

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Since the applicant has not disclosed that using the interactive wagering application to provide the user with an opportunity to select a particular silk color as one of the wagering criteria solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Benner will perform the invention as claimed by the applicant with any method, means, or product.

2-4. *Regarding claim 33;*

Brenner does not explicitly disclose:

- user computer equipment separate from the user television equipment, wherein the interactive wagering application notifies the user at the user computer equipment by e-mail when the automatic wager has been placed.

It would have been an obvious manner of design choice to modify the teachings of Benner et al to provide a step user computer equipment separate from the user television equipment, wherein the interactive wagering application notifies the user at the user computer equipment by e-mail when the automatic wager has been placed.

Since the applicant has not disclosed that notifying the user that user computer equipment separate from the user television equipment, wherein the interactive wagering application notifies the user at the user computer equipment by e-mail when the automatic wager has been placed solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill, and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since the teachings of Benner will perform the invention as claimed by the applicant with any method, means, or product.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner (U.S. Patent 6099409) in view of Lange et al (U.S. Patent 4322612)

3-1. *Regarding claim 14;*

Brenner does not explicitly disclose:

- providing the user with an opportunity to select whether the action taken involves the automatic placing of a wager whenever the wagering criteria are satisfied.

However, Lange et al discloses:

- stored wager information is compared to the race results and each winning account is automatically credited at that time.

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As shown by Lange's teaching, stored wager information is compared to the race results and each winning account and is automatically credited at that time, thus, making the providing for users with an opportunity to select whether the action taken involves the automatic placing of a wager whenever the wagering criteria are satisfied is old and well known in the arts.

Therefore, it would have been obvious to one of ordinary skill in the arts to modify the method of Brenner et al by adapting the teaching of Lange to provide the user with an opportunity to select whether the action taken involves the automatic placing of a wager whenever the wagering criteria are satisfied.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner (U.S. Patent 6099409) in view of Lvov et al (U.S. Patent 6117011).

4-1. Regarding claim 20;

Brenner does not explicitly disclose:

- notifying the user that the wagering criteria have been satisfied using an e-mail message.

However, Lvov et al discloses:

- The CCS and PCSs include mailing systems providing a personal electronic mail for PCSs and/or topical electronic billboards, reference systems and a data exchange system. The reference system supplies information on the players that are present in the EGS, a game rating of each of the potential players and offers an opportunity to select a partner by any of the preset criteria. (Column 4, lines 52-58)

As shown by Lvov's teaching, notifying the user that the wagering criteria have been satisfied using an e-mail message is old and well known in the arts as email has been used in prior art gaming systems.

Therefore, it would have been obvious to one of ordinary skill in the arts to modify the method of Brenner et al by adapting the teaching of Lvov to provide the user with an opportunity to select whether the action taken.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner (U.S. Patent 6099409) in view of Hedges et al (U.S. Patent 4467424).

5-1. Regarding claim 28;

Brenner does not explicitly disclose:

- using the wagering application to provide the user with an opportunity to select an expiration time for automatic wagering.

However, Hedges et al discloses:

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- items pertinent to the game such as wagering limits, payoff odds, and time remaining in which to enter a bet. (Column 4, lines 15-16)

As shown by Hedges' teaching, using the wagering application to provide the user with an opportunity to select an expiration time for automatic wagering is old and well known in the arts.

Therefore, it would have been obvious to one of ordinary skill in the arts to modify the method of Brenner et al by adapting the teaching of Hedges to provide the user with an opportunity to select whether the action taken.

Conclusions

Any communications concerning this communications or earlier communications from the examiner should be directed to Theoplis Stewart whose telephone number is (703) 305-5344. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) - 308-1113.

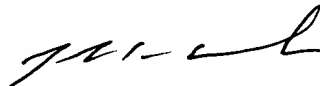
If in attempts to reach the examiner by phone is unsuccessfully, the examiner's supervisor, John Weiss can be reached at 703-308-2702. Responses to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C 20231

09-16-02



T.E.S



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600